

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

In re SALLY MARIE JONES,) Case No. 09-63951-LYN
)
Debtor,)
)
)
)

NOTICE OF REFERRAL

For the reasons stated in the accompanying memorandum, the above-captioned case is referred to the United States District Court for the purpose of considering whether contempt proceedings should be commenced against the debtor, Sallie Marie Jone, aka Zipporah Sally Jones.

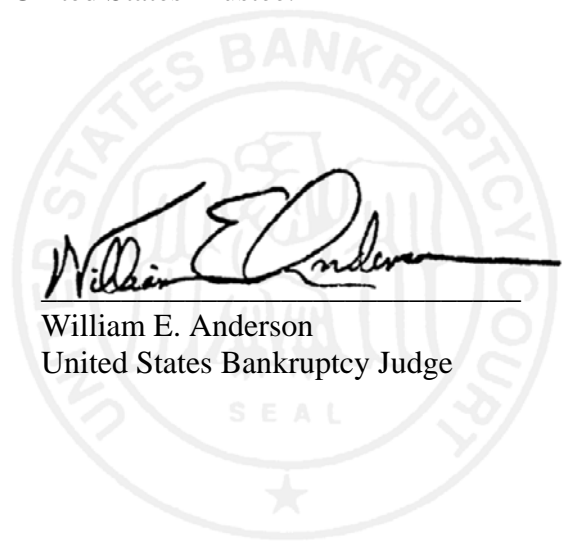
The Debtor shall be served at the address provided on her petition and also at 661 Miller Lake Road, Burkeville, Virginia.

Upon entry of this notice, the Clerk shall forward a copy to the Clerk of the United States District, Lynchburg, Virginia, Sally Marie Jones, and the United States Trustee.

Entered on this 26th day of March, 2010.



William E. Anderson
United States Bankruptcy Judge



**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

In re SALLY MARIE JONES,)	Case No. 09-63951-LYN
)	
Debtor,)	Chapter 13
)	
_____)	

MEMORANDUM

This memorandum is provided to explain the basis for this Court's notice of referral of this case to the United States District Court for the Western District of Virginia.

On December 14, 2009, the Debtor filed the above-styled bankruptcy case. The Debtor did not file a certificate of credit counseling. She failed to file a statement regarding whether she received assistance from a petition preparer. The notices of deficiency regarding these matters were sent to the address that she provided on her petition but were returned as undeliverable.

On January 19, 2010, Coastal Federal Credit Union, who holds a deficiency claim after repossessing the debtor's vehicle, filed a motion to dismiss this case. (See Docket no. 30 in this case.) Attached to the motion was an order issued from the Bankruptcy Court for the Eastern District of Virginia dated July 24, 2009. It was recited therein that the debtor had previously filed chapter 13 cases in 1993, 1998, 1999, 2005, 2008, and 2009. The 2009 case was dismissed on April 9, 2009. Less than two weeks later, on April 23, 2009, the debtor filed yet another petition in the Eastern District of Virginia, initiating case no. 09-32597. In that case, the debtor failed to make plan payments and failed to appear at the first meeting of creditors held pursuant to 11 U.S.C. § 541(a). The Court issued an order that instructed the debtor to appear and show

cause why the case should not be dismissed. The debtor failed to appear at the hearing. On July 24, 2009, the Bankruptcy Court for the Eastern District of Virginia let issue an order enjoining the debtor from filing another bankruptcy case under any chapter of the Bankruptcy Code in any district of the United States for a period of two years form the date of the entry of the order.

The debtor filed an opposition to the motion to dismiss in which she asserted that if “this case is closed, the creditor holding the mortgage, may attempt to foreclose again; thus, with another bankruptcy having to be filed” and the “debtor is not aware of any reasons why she should not have filed a bankruptcy. This action was a last resort in order to prevent a foreclosure scheduled on 12/18/09.”

On February 17, 2010, this Court let issue an order directing the debtor to personally appear at the hearing on Coastal Federal Credit Union’s motion to dismiss this case and present evidence of her social security number to the Court. The debtor did not appear at the hearing on the motion to dismiss.

On February 23, 2010, Citizens Bank and Trust Company (“CB&T”) filed a motion to lift the automatic stay so that it could foreclose on real property of the estate commonly known as 661 Miller Lake Road, Burkeville, Virginia (See Docket no. 39 in this case.) The motion asserts that it has filed motions to relief from stay in the 2005 case, the 2008 case, and the first 2009 case. CB&T asserts in the motion that the 2005 case was filed under a social security number ending in 2273, the 2008 case was filed under a number ending in 2273, and the second 2009 case was filed under a social security number ending in 7337. The case at bar was filed under a social security number ending in 2272. The motion also asserts that on or about July 27, 2009, an order was entered in Prince Edward County Circuit Court changing the debtor’s name

to Zipporah Sally Jones. (A copy of the name change order is attached as exhibit 2 to the CB&T's motion.)

The debtor has filed eight petitions in bankruptcy in the last fifteen years, including three in an eighteen month period. The debtor has failed to actively prosecute the last three bankruptcy cases. The debtor has evidently filed petitions under at least three different social security numbers. The debtor may have filed the instant petition under a false name. The debtor failed to appear before Judge Huennekens in the Eastern District and before this Court, when specifically ordered to do so. The debtor admitted in her response to Coastal Federal Credit Union's motion to dismiss that the only reason that she filed this petition was to enjoy the protection of the automatic stay and that it is her intent to file yet another petition if the case were dismissed.

Upon entry of this memorandum, the Clerk shall forward a copy to the Clerk of the United States District, Lynchburg, Virginia, Sally Marie Jones, and the United States Trustee and the chapter 13 trustee. The Clerk shall also transmit to the United States District Court for the Western District of Virginia, Lynchburg, Virginia copies of Docket nos. 1, 30, and 39 in the above-styled case.

The Debtor shall be served at the address provided on her petition and also at 661 Miller Lake Road, Burkeville, Virginia.

Entered on this 26th day of March, 2010.



William E. Anderson
United States Bankruptcy Judge

